

### **REMARKS**

In response to the Office Action mailed on June 2, 2006, applicant has amended independent claims 1, 4, and 10 to include the subject matter of respective dependent claims 3, 6, and 11. Additionally, applicant cancel claims 3, 6, and 11. Additionally, claim 20 was amended to correct a typographical error that was missed by both the applicant and Examiner. Thus, the amendment raises no new issues requiring further search or consideration.

With entry of the amendment, claims 1, 2, 4, 5, 7-10, and 12-23 remain pending in the application. All these claims stand rejected as anticipated or obvious. A detailed response to the rejections follows. However, applicant reserves all applicable rights not expressly exercised in connection with this response, including, for example, the challenge sufficiency of one or more of the cited references, the right to swear behind one or more cited references, and the right to rebut characterizations of the references and asserted combinations or motives for combination. Applicant makes no admissions regarding the prior art status of any of the cited art.

### **Response for §102 Rejections**

Claims 1 and 4-5 were rejected under 35 U.S.C. §102(e) as anticipated by Lazzeroni I. (U.S. 2003/0026440).

Regarding claim 1, applicant submits respectfully that claims 1 and 4 have been amended respectively to include the subject matter of claims 3 and 6, which the Action concedes as missing from Lazzeroni I. Thus, applicant requests respectfully that the Examiner withdraw the §102 rejections.

Regarding claim 13, applicant submits respectfully that the Action cites no evidence that one of skill in the art would regard Lazzeroni I's noise related aspects as being identical to the claimed automatic noise reduction circuitry. As such, applicant requests respectfully that the Examiner provide a corroborating reference and/or personal affidavit pursuant MPEP 2144.03 and 37 CFR §1.104(d)(2).

**Response to §103 Rejections****Response to Rejection of Claim 2**

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Lazzeroni in view of well known prior art (MPEP 2144.03). In response, applicant submits respectfully that the rejection of claim 2 is rendered moot with the amendment of claim 1 to include the subject matter of claim 3.

Additionally, applicant requests pursuant to MPEP 2144.03 and 37 CFR §1.104(d)(2), that the Examiner submit documentary evidence, in the form of an appropriate reference or a personal affidavit, supporting the factual assertion that it was well known to those of ordinary skill in the art at the time of the invention to couple an aircraft two-way radio into the system reported by Lazzeroni I. Absent appropriate evidentiary support, applicant requests respectfully that the Examiner reconsider and withdraw the assertion of what was known in the art.

**Response to Rejection of Claim 3**

Claim 3 was rejected under 35 USC § 103(a) as unpatentable over Lazzeroni I in view of Lazzeroni II. (U.S. 5,329,593). As formulated, the rejection asserts that the Lazzeroni I meets all requirements of claim 3, except for a boom microphone.

In response, applicant submits respectfully that Lazzeroni not only fails to teach the requisite boom microphone, but also fails to teach “means, responsive to coupling of the second input means to the mobile telephone, for coupling the preamplifier to receive power via the battery terminal.”

Close study of Lazzeroni reveals that it includes a power supply 700 (Figure 7) that provides positive 12, 10, 8, 5, 4, and 0.7 volt taps. (See page 7, [0069-0071].) Figure 3 shows a microphone portion of a headset accessory 104 along with corresponding preamplifier circuitry, which is shown as directly connected to the 4 and/or 8 volts taps of the power supply 700 as well as to ground. No switch or other responsive component is shown between the power supply and the preamplifier circuitry. See also paragraph [0046]. Moreover, even if there were arguably some responsive switch or other type of component between the power supply and the preamplifier circuitry, Lazzeroni shows nothing to indicate that this component is responsive to

coupling of a mobile telephone to its input section. The fact is Lazzeroni provides only a direct connection between its preamplifier and its power supply.

As such, one of ordinary skill would not regard Lazzeroni I as teaching the required “means, responsive to coupling of the second input means to the mobile telephone, for coupling the preamplifier to receive power via the battery terminal.” Accordingly, applicant requests respectfully that the Examiner not only withdraw the rejection of canceled claim 3, but reconsider this subject matter in the context of amended claim 1.

#### Response to Rejection of Claims 4, 7, & 14

Additionally, applicant requests respectfully that the Examiner reconsider amended claim 4 and Previously presented claims 7 and 14, which are believed to distinguish from the proposed Lazzeroni I & II combination for reasons similar to claim 1. Specifically, amended claim 4 requires “means, responsive to coupling of the headset to the second source, for coupling the preamplifier to receive power via the battery terminal.” Claim 7 recites “a circuit for coupling the microphone preamplifier to the battery terminal in response to electrical connection of the second input jack to the second source.” And, claim 14 recites “a circuit for selectively coupling the microphone preamplifier to receive power via the battery terminal.” In contrast, Lazzeroni I hard wires its microphone preamplifier circuitry directly to its power supply.

Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the rejections of claims 4, 7, and 14 and their dependents.

#### Response to Rejection of Claims 10 and 20-21

The Action refers to claims 10 and 20-21 as being “interpreted and thus rejected for the reasons set forth above in claims 1-4, 6, and 13.” In response, applicant submits respectfully that claims 10 and 20 pose different requirements than claims 1-4, 6, and 13.

For example, claim 10, which has been amended to include the subject matter of claim 11, requires “mixing the attenuated first audio signal and the second audio signal to provide a mixed audio signal.” Claim 20 recites “a mixer for producing a mixed audio signal based on audio signals from the aircraft two-way radio and audio signals from the mobile telephone or personal music player.”

Computer searches of the texts of Lazzeroni I and Lazzeroni II reveal that they are completely devoid of the terms “mix,” “mixes,” “mixing.” Additionally, applicant found no circuitry in Lazzeroni I that one of skill would regard as mixing together any of the audio signals provided to its input section. Accordingly, applicant requests respectfully that the Examiner consider these claims and their dependents in detail and withdraw the §103 rejections.

### CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant’s attorney (612) 349-9593 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 2<sup>nd</sup> day of November, 2006.

PATRICIA A. HULTMAN

Name

  
Signature